

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| DATE FILED: 4/30/2021 |

DONNA R. PARKS,

Plaintiff,

20-CV-0034 (SN)

-against-

ORDER

ANDREW SAUL,

Defendant.

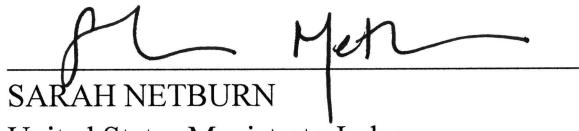
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SARAH NETBURN, United States Magistrate Judge:

The Supreme Court recently held that social security applicants raising Appointments Clause challenges to proceedings conducted before an unconstitutionally appointed ALJ need not exhaust such issues before the Social Security Administration before raising them in federal court. Carr, et al., v. Saul, Commissioner of Social Security, 593 U.S. ___, 141 S. Ct. 1352 (2021). Plaintiff's hearing before an ALJ occurred before that ALJ's appointment had been ratified by the Acting Commissioner of Social Security.

Accordingly, to promote efficiency and judicial economy, the parties are ordered to meet and confer and file a letter with the Court no later than May 7, 2021, indicating whether the parties believe remand is appropriate. In light of this request, the Commissioner's deadline to respond to the Plaintiff's motion for judgment is extended to May 14, 2021.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: April 30, 2021
New York, New York